



W.P.(MD) No.15703 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15703 of 2024

Silambarasan

... Petitioner

Vs.

1.State represented through
Additional Superintendent of Police,
Prohibition Enforcement Wing,
Virudhungan.

2.The Inspector of Police,
Srivilliputhur Town Police Station (PEW),
Virudhungan District.
(Crime No.434 of 2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to release the petitioner's vehicle (TVS XL 100 Heavy) bearing registration No.TN 67 BK 4016 based on the representation dated 02.07.2024.

For petitioners : Mr.K.Bharathi
For respondents : Mr.A.Albert James
Government Advocate (Crl.Side)



W.P.(MD) No.15703 of 2024

WEB COPY

ORDER

Heard learned counsel for the petitioner and learned Government Advocate (Crl.Side) for the respondents.

2. The petitioner is the owner of the Two wheeler namely, TVS XL Heavy Duty, bearing registration No.TN 67 BK 4016. The vehicle was seized by the second respondent on 25.06.2024 from one Ponmaran, who is claimed by the petitioner as a neighbour and who had borrowed the petitioner's vehicle to go to the hospital.

3. The case of the petitioner is that instead of using it for lawful purpose, the said Ponmaran appears to have utilised the vehicle for carrying on 38 brandy bottles illegally.

4. It is submitted that the petitioner is nowhere connected in the alleged offences under Section 4(1)(a) of the Tamil Nadu Prohibition Act, 1937.



W.P.(MD) No.15703 of 2024

WEB COPY

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Government Pleader (Crl.Side) for the respondents. I have also perused the FIR in Crime No.434 of 2024 dated 25.06.2024 before the Prohibition Enforcement Wing, Srivilliputhur Police Station, Virudhunagar.

6. A reading of the FIR indicates that the petitioner is nowhere connected in the alleged offence committed by the accused namely, Ponmaran, who had borrowed the subject vehicle from the petitioner. Further, whether the petitioner was indeed involved in the offence or not, has to be investigated.

7. Be that as it may, the Court is of the view that no useful purpose will be served by retaining the subject vehicle in the custody of the second respondent. Considering the same, to balance the interest of the parties, the Court is inclined to direct the second respondent to release the subject vehicle provisionally, subject to the petitioner depositing Rs.5,000/- to the credit of the Crime No.434 of 2024 before the jurisdictional Magistrate without prejudice to the rights of the second respondent in the investigation that has been initiated.



W.P.(MD) No.15703 of 2024

WEB COPY

This Writ Petition is disposed of, with above directions. No costs.

Index : Yes / No
Internet : Yes / No
apd

15.07.2024

To

1.Additional Superintendent of Police,
Prohibition Enforcement Wing,
Virudhungan,
State of Tamil Nadu

2.The Inspector of Police,
Srivilliputhur Town Police Station (PEW),
Virudhungan District.



WEB COPY



W.P.(MD) No.15703 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.15703 of 2024

15.07.2024